

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRIAN E. EWELL,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

Case No. C12-5254-RSM-JPD

REPORT AND RECOMMENDATION

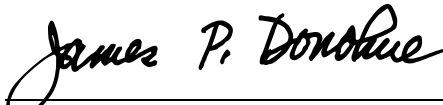
The plaintiff brought this action to seek judicial review of the denial of his application for disability benefits by the Commissioner of the Social Security Administration. Dkt. 3. The parties have stipulated that this case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 16.

Based on the stipulation of the parties, the Court recommends that this case be REVERSED and REMANDED for further administrative proceedings before an Administrative Law Judge (“ALJ”). On remand, the ALJ shall conduct a *de novo* hearing and offer plaintiff the opportunity to appear at the new administrative hearing, in which plaintiff may testify, submit additional evidence, and make new arguments. The ALJ shall evaluate treatment records showing hospital admissions for substance abuse and suicidal ideation. The ALJ shall evaluate

1 the opinion from Daniel Neims, Psy.D., the opinion from Brett Trowbridge, Ph.D., and treatment
2 records from Mark A. Wentworth, M.D. Additional new medical evidence, if available, shall be
3 considered on remand. If the ALJ rejects any of the medical opinions, the ALJ shall provide
4 legally sufficient explanations for doing so. The ALJ shall evaluate the lay witness testimony
5 from plaintiff's friend, Sheila Wells. If the ALJ rejects the lay witness testimony, the ALJ shall
6 provide germane reasons for doing so. The ALJ shall reevaluate the medical evidence, whether
7 the plaintiff meets a listing, plaintiff's credibility, and plaintiff's residual functional capacity. If
8 necessary, the ALJ shall utilize the testimony of a medical expert with expertise in either
9 psychology or psychiatry to assist in the assessment of whether plaintiff meets a listing.

10 A proposed order accompanies this Report and Recommendation.

11 DATED this 9th day of August, 2012.

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13 JAMES P. DONOHUE
14 United States Magistrate Judge
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